

Lyew, Sandra

August 28, 2015

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

DAVID M. DAUGHERTY,

Plaintiff,

v.

CIVIL ACTION
NO. 5:14-24506

EQUIFAX INFORMATION SERVICES, LLC
and OCWEN LOAN SERVICING, LLC,

Defendants.

30(b) (6) DEPOSITION UPON ORAL EXAMINATION
OF SANDRA LYEW
TAKEN ON BEHALF OF THE PLAINTIFF

Virginia Beach, Virginia

August 28, 2015

202-220-4158

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1 A. That's correct.

2 Q. If a dispute originated from a
3 third-party that was authorized to file that dispute,
4 would they get the dispute resolved?

5 A. All parties should receive it. The
6 borrower should receive, as well as the third-party.

7 Q. And so -- okay. So when the credit
8 reporting agency initially makes the dispute with
9 OCWEN, is there a different process? Does it go to
10 the research department?

11 A. No, because the credit agency went
12 directly to the credit reporting department. They
13 use a separate system to do their communications
14 regarding the dispute.

15 Q. What system is that?

16 A. e-Oscar.

17 Q. So what form comes to the credit
18 reporting department through e-Oscar?

19 A. e-Oscar is an ACDV.

20 Q. Is it always automated or is there ever
21 just a regular consumer dispute verification form
22 sent, a paper form sent?

23 A. No. Everything is through the system.

24 Q. Strictly automated?

25 A. Yes.

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1 A. Yes. And they communicate right -- they
2 communicate through e-Oscar.

3 Q. Is there a separate form from the ACDV
4 that OCWEN responds to the ACDV with?

5 A. Everything is automated through the
6 system, so based on their response, OCWEN's response,
7 back to the credit agency is through e-Oscar.

8 Q. Is that on the same ACDV form or is
9 there a separate form generated?

10 A. It's in the system, so it could be under
11 the ACDV section it responds back to -- so the ACDV
12 is basically a screen through their system.

13 Q. Their being the credit reporting
14 agency's --

15 A. Yes.

16 Q. -- e-Oscar system?

17 A. e-Oscar system.

18 Q. So OCWEN receives an ACDV from, for
19 instance, Equifax, and do they just fill in that same
20 form online with their response or do they generate a
21 new form or something substantive, besides that form,
22 in their response?

23 A. Everything is based on how the ACDV came
24 in. And it's responded through the same ACDV.

25 Q. And is that true regardless of outcome

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1 it's not in our business records.

2 Q. Okay. And in some business records that
3 I reviewed from OCWEN the response to the ACDV was
4 included, but not all of them, which is why I'm going
5 to try to go back and forth between the comment log,
6 Equifax. And then when we have OCWEN's response
7 forms, we'll go over those, as well.

8 A. Okay.

9 Q. But are you familiar generally with the
10 Automated Consumer Dispute Verification form?

11 A. No. Oh. You mean the AUD form?

12 Q. The ACDV form.

13 A. The ACDV form? Yeah. I've learned to
14 become familiar with it.

15 Q. Is this significantly different from
16 what OCWEN uses?

17 A. No. Again, it's used -- they use a
18 system e-Oscar. That's how all the agencies report
19 or send their disputes or verifications or consumer
20 disputes to the consumer -- to the debtors like us.

21 Q. So --

22 A. I'm sorry. You may want -- if you're
23 going to show this, you might as well show the AC --
24 the e-Oscar ACDV form. That's how you can -- it
25 mirrors and matches.

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1 Q. And I'll show you what we've been
2 provided.

3 A. Okay.

4 Q. This came from Equifax. Like I said, I
5 don't recall seeing the response form from OCWEN to
6 this specific dispute. Other disputes in here we're
7 going to go over. OCWEN's response forms are
8 included and attached. And we'll go over that, as
9 well. On this specific one, I didn't find that.

10 A. It's there.

11 Q. I'm going to look over this. It says
12 the date created was March 19th, 2013.

13 A. Okay.

14 Q. What does the control number above that
15 refer to?

16 A. It says 99993078032699088.

17 Q. Is that something OCWEN created or
18 something Equifax would have created?

19 A. This is a control number, so it came
20 from Equifax. And OCWEN has noted the same number,
21 in their note log, being received, on page 1664 in
22 the bottom.

23 Q. And the subscriber code, is that
24 referring to OCWEN or is that --

25 A. This is their subscriber code.

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TRADE

AUTOMATED CONSUMER DISPUTE VERIFICATION

EQUIFAX CREDIT INFORMATION SERVICES

| | | | | | | | |
|----------------------------|---|-------------------------|-------------------------|---|---|--|--|
| Control Number: | 999910760-2699058 | Original NCHA: | EFTX | Bureau Code: | 9999 | Dispute 1 [001] Nov 115/MERS. PROVIDE CONFIRMATE IT? | |
| Date Created: | 01/19/2013 | Response Due: | 04/10/2013 | Dispute 2 [007] DISPUTE CURRENT/PREVIOUS ACCOUNT STATUS/PAYMENT HISTORY PROFILE / PAYMENT RATING. VERIFY PAYMENT HISTORY PROFILE, ACCOUNT STATUS, AND PAYMENT RATE FOR ALBERT ON TONY CALL STATES CONTACT ALBERT ON TONY CALL | | | |
| Subscriber Code: | 465F501650 | Account Number: | 7092244517 | Fora Related Information: | | | |
| Grantor Name: | Ocwen Loan Servicing, LLC | Recipient Name: | HARTSH, PAC | Response Name: | 561-682-7675 | | |
| Response Phone: | 561-682-7675 | Response Date: | 03/20/2013 | Response Code: | <input checked="" type="checkbox"/> Verified As Reported <input type="checkbox"/> Modify As Shown <input type="checkbox"/> Delete Account <input type="checkbox"/> Delete Fraud | | |
| Reported Consumer Identity | | | | | | | |
| Name: | DAUGHERTY, DAVID H. | | | | | Same as consumer identity? | |
| AKA/FN: | | | | | | <input checked="" type="checkbox"/> Name DAUGHERTY, DAVID | |
| Addr: | 35 VALLEY VIEW DR 35, VIENNA, WV 26105 | | | | | <input type="checkbox"/> AKA/FN | |
| Prev PO Box: | 816 PARKERSBURG, WV 26102 | | | | | <input type="checkbox"/> Addr 35 VALLEY VIEW DR, VIENNA, WV 26105-3227 | |
| SSN: | 232-04-9020 | | | | | <input type="checkbox"/> Prev | |
| DOB: | 12/14/1957 | | | | | <input checked="" type="checkbox"/> SSN 232-04-9020 | |
| Phone: | 304-295-6161 | | | | | <input type="checkbox"/> DOB | |
| Account Type: | ECOA | | | | | <input type="checkbox"/> Phone 304-295-6161 | |
| 08 | 1 | Date Open: | 08/1/999 | Type & Rate: | (451) | Marital Status: | |
| Credit Limit: | 1 | High Credit: | | N: | (451) | | |
| Current Balance: | | Current Balanc: | | N: | (272) | | |
| Original Charge Off: | \$140,915 | Post Due: | \$85,619 | | | | |
| Date of Delinquency: | | Date of Delinquency: | | | | | |
| Original Payment Date: | | Original Payment Date: | | Date Closed: | | | |
| 10/20/2011 | 01/2012 | | | | | | |
| Activity Designator: | [2] Invalid activity design '2' | | | | | Purchased/Sold To Name Original Creditor: | |
| Term Duration: | [12] Monthly | Term Frequency: | Semi-Monthly | Periodic Payment: | Actual Payment: | Purchase Indicator: | |
| 30 | | | | \$1077 | \$200 | | |
| Date of Account Info: | 03/20/12 | Print Hist Months 1-12: | Print Hist Months 1-12: | Print Hist Months 1-24: | Print Hist Months 1-24: | Print Hist Months 1-36: | |
| Consumer Info/Indicator: | | | | 3283 | | | |
| Complaint Condition Code: | | | | | | | |
| Severity Comment Code: | [BO] Foreclosure proceedings started | | | | | | |
| Account Status: | [BZ] Account 120 days past the due date | | | | | | |
| Payment Rating: | | | | | | | |

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EXHIBIT

WT: Lives
 DATE: 8-28-15
 P. Wile, RPR, RMR, CRR

TRADE

AUTOMATED CONSUMER DISPUTE VERIFICATION

EQUIFAX CREDIT INFORMATION SERVICES

| Control Number 99993078032699087 | | | | | | | | | |
|----------------------------------|---|---|-----------------------|--|---|-----------------------|-----------------------|-----------------------|--|
| Origin ICRN | EFX | Bureau Code | 99995 | Dispute 1 | (001) NOT HIS/HERS. | Provide Complete ID | | | |
| Date Created | 03/19/2013 | Response Due | 04/10/2013 | Dispute 2 | (007) DISPUTES CURRENT/PREVIOUS ACCOUNT STATUS/PAYMENT HISTORY PROFILE/PAYMENT RAVING, VERITY PAYMENT HISTORY PROFILE, ACCOUNT STATUS, AND PAYMENT RATE | | | | |
| Subscriber Code | 4657501690 | | | PAYMENT RAVING, VERITY PAYMENT HISTORY PROFILE, ACCOUNT STATUS, AND PAYMENT RATE | | | | | |
| Account Number | 7092244537 | | | FCRA Release Information STATES CONTACT TONY GILL | | | | | |
| Crammer Name | Orkwen Loan Servicing, LLC | | | | | | | | |
| Responder Name | Raj Kumar | | | | | | | | |
| Response Phone | 561-682-7675 | | | | | | | | |
| Response Date | 03/20/2013 | | | | | | | | |
| Reported Consumer Identity | <input checked="" type="checkbox"/> Verified As Reported <input type="checkbox"/> Modify As Shown | | | | | | | | |
| | | <input type="checkbox"/> Delete Account <input type="checkbox"/> Delete Fraud | | | | | | | |
| Name | DAUGHERTY DAVID M | Same | | Modified Consumer Identity | | | | | |
| AKA/FN | | | | | | | | | |
| Addr | 35 VALLEY VIEW DR 35, VIENNA, WV 26105 | | | | | | | | |
| Pic# | | | | | | | | | |
| SSN | 232-04-9020 | | | Adult | 35 VALLEY VIEW DR 35, VIENNA, WV 26105 | | | | |
| DOB | 12/14/1957 | | | Prev | | | | | |
| Phone | 304-295-6161 | | | SSN | 232-04-9020 | | | | |
| Account Type | ECD | Date Open | 07/1/1999 | Type & Rate | M- (271) | Narratives | | | |
| | | | | | | | | | |
| Credit Limit | I | Current Balance | \$1,008.60 | Post Date | | | | | |
| | | | \$631.11 | | | | | | |
| Original Charge-Off | | Date 1st Delinquency | | Last Payment Date | | | | | |
| | | | | 01/2013 | | | | | |
| Activity Designator | [1] Invalid activity_design_1. | Creditor Classification | | Purchased/Sold To Name/Original Creditor | | Purchase/Refund Date | | | |
| Terms Duration | 30 | Term Frequency | Subsidy Monthly Pmt | Subsidy Id Number | | | | | |
| | | | \$980 | | | | | | |
| Dated Account Info | 01/2013 | Pmt Hist Months 1-12 | Pmt Hist Months 13-24 | Actual Payment | Deferred Pay Start Date | Balloon Payment | Balloon Pay Due Date | | |
| | | -\$0000000104 | 323B----- | \$980 | | | | | |
| Consumer Info Indicator | | | | Pmt Hist Months 25-36 | Pmt Hist Months 37-48 | Pmt Hist Months 49-60 | Pmt Hist Months 61-72 | Pmt Hist Months 73-94 | |
| Compliance Condition Data | | | | ----- | ----- | ----- | ----- | ----- | |
| Special Comment Code | | | | | | | | | |
| Account Status | [1] Current account | | | | | | | | |
| Payment Rating | [0] Current account | | | | | | | | |

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